

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Theresa Williams, individually; and	§	
	§	
as Trustee of the John R. Williams	§	
Revocable Trust (Amended and Restated); and	§	
	§	
as Trustee of the Theresa J. Williams	§	
Revocable Trust(Amended and Restated); and	§	Civil Action No. 1:11-cv-308
	§	
as Executrix of the Estate of John R. Williams	§	
Deceased,	§	
<b>Plaintiffs</b>	§	
v.	§	
K. Coleman Westbrook, Jr. and	§	
	§	
the Law Firm of Friday, Eldredge &	§	
Clarke, L.L.P.,	§	
<b>Defendants</b>	§	

**PLAINTIFFS' ORIGINAL COMPLAINT**

Plaintiffs bring this civil action against K. Coleman Westbrook, Jr. (Mr. Westbrook) and the law firm of Friday, Eldredge, and Clarke, LLP (“the Firm”), and show the Court and jury as follows.

**PARTIES**

1. Plaintiffs are residents of Williamson County, Texas.
2. Mr. Westbrook is a resident of Arkansas and can be served with process at 400 West Capitol Avenue, Suite 2000, Little Rock, Arkansas 72201-3522. Service of process is requested.
3. The Firm is a limited liability partnership operating in Little Rock, Arkansas and with its primary place of business in Little Rock, Arkansas. The law firm can be served with process at 400 West Capitol Avenue, Suite 2000, Little Rock, Arkansas 72201-3522. Service of process is requested.

### **JURISDICTION AND VENUE**

4. Jurisdiction is based on 28 U.S.C. §1332(a) (1). There is an absolute diversity of citizenship as all defendants are residents of the state of Arkansas and Plaintiffs are all residents of the state of Texas.

5. Venue is proper in this Court based on 28 U.S.C. §1391(a) (2).

### **STATEMENT OF THE CASE AND FACTS**

6. Mr. Westbrook negligently drafted legal instruments pertaining to the estate and the estate planning of Mrs. Williams' husband, John R. Williams, now deceased, as well as pertaining to the two trusts of which Mrs. Williams is Trustee, namely the John R. Williams Revocable Trust (Amended and Restated) and the Theresa J. Williams Revocable Trust (Amended and Restated).

7. Mr. Westbrook was at all relevant times acting within the course and scope of his employment by the firm, and Plaintiffs sue Mr. Westbrook and the firm for actual, compensatory, nominal, and punitive damages proximately caused by such negligence and breach of their fiduciary duty to plaintiffs.

### **CAUSES OF ACTION**

8. Mr. Westbrook and the Firm represented Mrs. Williams, as well as her late husband John R. Williams, in matters pertaining to the estates of Mr. and Mrs. Williams and the Revocable Trusts of Mr. and Mrs. Williams.

9. Defendants performed this representation in a negligent manner, negligently drafting instruments governing the estates and trusts of Mr. Williams and Mrs. Williams, and breached their fiduciary duty to plaintiffs.

### **DAMAGES**

10. Plaintiffs have been damaged in an amount totaling well in excess of the \$75,000 minimal jurisdictional limits of this court.

### **PRAYER FOR RELIEF**

THEREFORE, Plaintiffs request the Court:

- A. Award actual, compensatory and punitive damages to her against Mr. Westbrook and the Firm, as provided by law;
- B. Award costs of court; and
- C. Grant such other and further relief as appears reasonable and just, to which she may be entitled.

Dated: April 15, 2011

Respectfully Submitted,



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